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REMARKS

Claims 1-21 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 4, 6 and 7 have been amended herein for clarification purposes. A clean version of all pending claims is found at pages 2-5. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Rejection of Claims 1-2, 5-9, 13-16, and 19-21 Under 35 U.S.C. §102(b)**

Claims 1-2, 5-9, 13-16, and 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Amberg *et al.* (US Patent No. 5,963,743). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Amberg *et al.* does not teach or suggest each and every element of the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject invention as claimed relates to configuring and/or setting up software systems based on installation location. In particular, independent claim 1 (and similarly independent claims 7, 8, and 15) recites a setup component that receives information indicative of a *location scenario relating to where the software system is being installed*, and *configuration characteristics* for the software system being *determined based at least in part on the location scenario*. It is readily apparent that Amberg *et al.* does not teach or suggest such aspects of applicants' claimed invention. Amberg *et al.* merely teaches utilizing a computer system configured to sequence software installation and testing steps to be run on a target system using component descriptors from a descriptor file. (See col. 4, ln. 1-10). The descriptor file simply represents an order placed for a build-to-order computer system. (See col. 3, ln. 50-51; col. 4, ln. 61-62). Thus, Amberg *et al.* bases configuration characteristics upon an order for a computer. On the contrary,

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the subject invention utilizes configuration characteristics based on a *location scenario* to facilitate configuration of a software system being installed.

The subject invention as claimed provides for configuring and/or setting up software systems based a *location scenario* which relates to *where the software system is being installed*. Additionally, *configuration characteristics* for the software system are determined *based on the location scenario*. Thus, system functionality can be tailored according to the *location scenario* to provide desired functionality based at least in part upon where the software system is being configured. (See pg. 3, ln. 4-5). In other words, tailored functionality of a software system is facilitated by employing the location information (e.g., where the software system is being installed). Amberg *et al.* does not teach or suggest such aspects of the subject claimed invention.

In view of at least the above, it is readily apparent that Amberg *et al.* does not anticipate or suggest the subject invention as recited in claims 1, 7, 8, and 15 (and claims 2, 5-6, 9, 13-14, 16, and 19-21 which respectively depend there from). This rejection should be withdrawn.

## II. Rejection of Claims 3-4, 10-12, and 17-20 Under 35 U.S.C. §103(a)

Claims 3-4, 10-12, and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg *et al.* (US Patent No. 5,963,743) in view of Jones *et al.* (US Patent No. 5,666,501). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Jones *et al.* does not make up for the aforementioned deficiencies of Amberg *et al.* with respect to independent claims 1, 8 and 15 (which claims 3-4, 10-12, and 17-20 directly or indirectly depend from). In particular, Jones *et al.* does not teach or suggest a setup component for receiving information indicative of a *location scenario relating to where the software system is being installed, configuration characteristics* for the software system being determined *based on the location scenario*. Jones *et al.* merely teaches installing software stored on a second machine to a first machine in a distributed computing network. (See abstract). Therefore, the subject invention as recited in claims 3-4, 10-12, and 17-20 is not obvious

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over the combination of Amberg *et al.* and Jones *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

### III. CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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